

# THE RICHARD L. VEGA GROUP

Telecommunications Engineers/Consultants

1245 W. Fairbanks Avenue, Suite 380 ♦ Winter Park, FL 32789-4878  
(407)539-6540 ♦ FAX: (407)539-6547 ♦ E-mail: wireless@magicnet.net

November 22, 1996

VIA FEDERAL EXPRESS

William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Mail Stop 1170  
Washington, D.C. 20554

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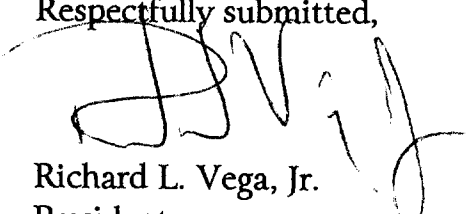
RE: Comments in Response to Petition for Rulemaking  
Filed by Cellular Communications of Puerto Rico, Inc., in RM-8897

Dear Mr. Caton,

Please find enclosed, on behalf of Richard L. Vega, in an original and four (4) copies, Comments filed in response to the Petition for Rulemaking, RM-8897, submitted by Cellular Communications of Puerto Rico, Inc. In short, these comments urge the Commission to retain lotteries as the method to select the remaining cellular licensees. These Comments are being submitted on or before the November 25, 1996 due date established by the Commission in the Rulemaking Public Notice, released October 24, 1996.

Should the Commission have any questions concerning these matters, please contact the undersigned.

Respectfully submitted,

  
Richard L. Vega, Jr.  
President

enclosures

cc: Richard L. Vega  
ITS  
Eric J. Bash

RLVjr/tl

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

In the Matter of:

Changes to Cellular Communications )  
of Puerto Rico, Inc., Petition for Declaratory Ruling )  
or Rulemaking to Determine Whether Competitive )  
Bidding Procedures Should be used to License )  
Certain Cellular Rural Service Areas )  
To: Chief, Wireless Telecommunications Bureau )

RM-8897  
DA96-1685

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COMMENTS IN RESPONSE TO  
PETITION FOR RULEMAKING - RM-8897

On behalf of its client, Richard L. Vega ("Vega"), The Richard L. Vega Group ("Vega Group"), a Florida based telecommunications consulting engineer, hereby submits its Comments to the Federal Communications Commission (FCC), in response to the Petition for Rulemaking ("Petition"), DA96-1685, released October 24, 1996(RM-8897), regarding the regulatory treatment of certain Cellular Rural Service Area ("RSA") applications. Specifically, these Comments respond to the Petition, which raises issues concerning the applicability of the use of competitive bidding to award cellular licenses for RSA's for which applications were filed prior to July 26, 1993. Vega, an FCC Licensee, is a cellular RSA applicant that has been found qualified to participate in the lottery process for each of the six remaining RSA Markets, as identified in FCC Lottery Notice, 63896, released July 12, 1996. As such, Vega has established standing to participate in the petition. With this, Vega submits the following:

## FCC REQUIRED RANDOM SELECTION PROCESS

The initial applications for the RSA Markets were filed prior to July 1993, and were subject to FCC §22.33(a)

Rules regarding random selection of mutually exclusive applications. This rule stated that

**...if a properly filed application for an initial license in the public land mobile service, or in the domestic public cellular radio telecommunications service for markets below the top-30 cellular modified metropolitan statistical areas, is mutually exclusive with another such application, the applicants shall be included in the random selection process set forth in Part 1, Section 1.821 of the Commission's Rules...**

The applications accepted by the FCC almost 10 years ago must be processed under these guidelines which specifically call for the random selection process to be used to select cellular licensees.

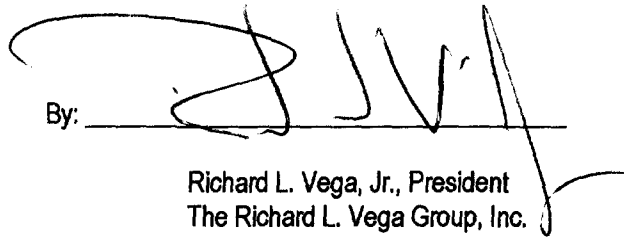
Furthermore, pursuant to Section 309(j) of the Communications Act, (competitive bidding), the FCC "...may not issue any license or permit by lottery ...UNLESS (emphasis added)...the application was accepted for filing before July 26, 1993." See Section 6002(c) (Special Rule), Omnibus Budget Reconciliation Act of 1993, 47 U.S.C. §§ 151-713. The RSA applications referenced under FCC Public Notice, #63896, dated July 12, 1996, were submitted to the FCC almost five (5) years earlier than July 26, 1993. Hence, there is no basis for which the Competitive Bidding Rules allow the FCC to change the selection process for these applications.

## CONCLUSION

Modification of the processing rules will harm those that have waited for an opportunity to bring forth cellular service to the public and to the public as well. Vega filed its application in accordance with the processing standards and expects for the FCC to incorporate the processing standards dictated by Federal Law.

The Commission must move swiftly with regard to the allocation of the permanent license for the remaining RSA Markets using the random selection process.

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'R. Vega', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail that extends to the right.

Richard L. Vega, Jr., President  
The Richard L. Vega Group, Inc.  
1245 W. Fairbanks Avenue, Suite 380  
Winter Park, Florida 32789-4878

Dated: November 22, 1996